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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 HERMAN TAMRAT,

12 Plaintiff,

13 v.

14 CALIFORNIA HEALTH CARE
15 FACILITY – ADMINISTRATION, et al.,

16 Defendants.
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No. 2:23-CV-0313-TLN-DMC-P

ORDER

18 Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42
19 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 6, for voluntary
20 dismissal of two defendants and one claim. Because no answer or motion for summary judgment
21 has been filed, leave of Court is not required and Defendants California Health Care Facility –
22 Administration and Howard E. Moseley, as well as Plaintiff's Fourteenth Amendment equal
23 protection claim, are dismissed on Plaintiff's notice. See Fed. R. Civ. P. 41(a)(1)(A)(i).

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Accordingly, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court is directed to terminate California Health Care Facility – Administration and Howard E. Moseley as defendants to this action.
2. Plaintiff's Fourteenth Amendment equal protection claim is dismissed on Plaintiff's notice.
3. The Clerk of the Court is directed to terminate ECF No. 6 as a pending motion.

Dated: April 28, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE